

Rolf Hechler
Mayor

Amanda Forrister
Mayor Pro-Tem

Merry Jo Fahl
Commissioner



Destiny Mitchell
Commissioner

Ingo Hoeppner
Commissioner

Angie Gonzales
City Manager

505 Sims St.
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CITY COMMISSION/ADVISORY BOARD

WORKSHOP

WORKSHOP OF THE CITY COMMISSION, PUBLIC UTILITY/IMPACT FEE ADVISORY BOARD, AIRPORT ADVISORY BOARD, AND PLANNING & ZONING COMMISSION OF THE CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO, TO BE HELD IN THE COMMISSION CHAMBERS, 405 W. 3RD ST., ON WEDNESDAY, MAY 22, 2024; TO START AT 9:00 A.M.

A. CALL TO ORDER

B. INTRODUCTION

1. ROLL CALL

Hon. Rolf Hechler, Mayor
Hon. Amanda Forrister, Mayor Pro-Tem
Hon. Destiny Mitchell, Commissioner
Hon. Merry Jo Fahl, Commissioner
Hon. Ingo Hoeppner, Commissioner
Mark Shipley, **Airport Advisory Board Chairman**
David Senn, **Airport Advisory Board Vice Chairman**
Robert McGuire, **Airport Advisory Board Member**
Jeff Dornbusch, **Public Utility/Impact Advisory Board Vice Chairman**
Gil Avelar, **Public Utility/Impact Advisory Board Member**
Don Armijo, **Public Utility/Impact Advisory Board Member**
Chris Sisney, **Planning & Zoning Commission Chairman**
Susie Buhler, **Planning & Zoning Commission Vice Chairman**
Esther Luchini, **Planning & Zoning Commission Member**
Lisa Kent, **Planning & Zoning Commission Member**

C. WORKSHOP

1. Workshop/Discussion/Action: Advisory Board Ordinance Revisions.

D. ADJOURNMENT



CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: May 22, 2024

WORKSHOP #: C.1

SUBJECT: Discussion/Action - Discussion/Action Advisory Board Ordinance Revisions

DEPARTMENT: Community Development

DATE SUBMITTED: May 17, 2024

SUBMITTED BY: Traci Alvarez

WHO WILL PRESENT THE ITEM: Traci Alvarez Assistant City Manager

Summary/Background:

Per the request of the City Commission, staff has reviewed and recommended amendments to Article IV of the City Municipal Code as it pertains to the City Advisory Boards. Repeal of long-term inactive boards. Discussion of consolidating the Airport Advisory Board, Public Utility/Impact Advisory Board, and Planning & Zoning Commission.

Recommendation:

Approve Draft Ordinance with recommended changes be brought back to Commission for approval of publication

Attachments:

- Draft Ordinance Revisions
-

Fiscal Impact (Finance): TBD

[Click here to enter text.](#)

Legal Review (City Attorney): Yes

Approved For Submittal By: ☐ Department Director

Reviewed by: ☐ City Clerk ☐ Finance ☐ Legal ☐ Other: [Click here to enter text.](#)

Final Approval: ☐ City Manager

CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN

Resolution No. [Click here to enter text.](#) Ordinance No. -

Continued To: - Referred To: -

☐ Approved ☐ Denied ☐ Other: -

File Name: CC Agendas 5-22-24 (Workshop)

CITY OF TRUTH OR CONSEQUENCES

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO, WHICH AMENDS ARTICLE IV AS IT PERTAINS TO THE CITY ADVISORY BOARDS. THIS ORDINANCE SHALL PROVIDE FOR GENERAL PROVISIONS, ADD A NEW COMMUNITY DEVELOPMENT BOARD AND REPEAL SEVERAL BOARDS THAT ARE NO LONGER NECESSARY.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF TRUTH OR CONSEQUENCES AS FOLLOWS:

Section 1. That **DIVISION 1 GOLF COURSE ADVISORY BOARD** is repealed, and Section 2-210 shall be renumbered as 2-211 as set forth below.

Further, a new **DIVISION 1** of the Code of Ordinances of the City of Truth or Consequences be added so that such section shall read as follows:

DIVISION 1. GENERAL PROVISIONS AS TO CITY'S ADVISORY BOARDS

Sec. 2-210. APPOINTMENT OF MEMBERS & TERM

Board Members shall be appointed and vacancies filled by appointment of the City Commission and shall serve at the pleasure of the City Commission. Unless otherwise specified in the Code of Ordinances, each Member shall serve for a period of Four (4) years.

Sec. 2-211. RECUSAL.

Purpose and intent:

The City Commission recognizes that members of its various boards perform a valuable service to the City and such members generally serve in an advisory capacity.

The City Commission recognizes that its boards make important recommendations to the City Commission, and the City Commission desires to enact safeguards to ensure that the individual board members are able to conduct themselves without having improper considerations influencing their collective recommendations. Further, the City Commission finds it necessary to maintain the public perception that individual board members shall only use their positions to advance the public interest and not to take actions for the primary purpose of directly enhancing said board member's financial interests or financial position. Therefore, using the Government Conduct Act described in 10-16-1 et seq. N.M.S.A (1978) as a guide, the City Commissioner hereby promulgates the following:

A member of any of the City boards (set forth in section 2-111 through 2-370.3) shall recuse himself/herself from participating in a particular item on the agenda when 1) such member's participation would be for the primary purpose of directly enhancing the board member's financial

interest or financial position, or 2) the totality of circumstances would create a reasonable public perception that such member cannot participate in that particular item in a fair and impartial manner. In such event, the member shall explain his/her reasoning prior to the item being discussed by the Advisory Board. The recusing member shall then remove himself/herself from the meeting room prior to the commencement of any discussion of that particular agenda item and shall not vote on such item.

(Ord. No. 690 , § 1, 11-15-17)

Sec. 2-212. VACANCIES.

Members of the Board may be removed by a majority vote of the total membership of the City Commission. Vacancies on the Board shall be filled by the City Commission. The Board shall elect a Chairman, ~~and Vice-Chairman, and Secretary.~~

(Code 1962, § 2-12-4)

Sec. 2-213. MEETINGS.

~~In the performance of its duties and in the exercise of the powers set forth in this division,~~ the **Unless otherwise specified in this Code, each** Board shall hold meetings at least quarterly or at such other times as may be deemed necessary, at such time and place as may be specified in the notice for such meetings which may be called by the Chairman of the Board, the City Manager, or by a majority of the Commission. **Unless otherwise specified in this Code, a** quorum requires at least three of the five voting members of the Board to be present. In order for a vote to be valid on a particular issue, a quorum must actually vote regarding the measure. For purposes of clarification, a member who abstains or recuses himself from voting is not deemed to have voted on that particular issue.

(Ord. No. 474, § 3, 7-10-00)

Sec. 2-214. ADVISORY CAPACITY.

Unless otherwise stated in the City's Code of Ordinances, the Advisory Boards are serving only in an advisory capacity. The Boards shall make recommendations to the City Commission pertaining to specific topics within the powers and duties described in the City's Code of Ordinances.

Sec. 2-215. EXPENDITURES; DUTIES.

The ~~Planning and Zoning Commission Board Members~~ shall serve without compensation. ~~It~~ **They** shall incur no expenditure of money without previous authorization of the City Commission. ~~It shall take over the duties of the Zoning Board, which is hereby abolished, and it~~ **They** shall perform all the activities and duties required by state law. **As described in this Code of Ordinances and as required by State Law.**

(Code 1962, § 2-1-5)

Sec. 2-216. AGENDA.

- a) The City Administration and the City Clerk shall prepare and distribute the Agenda for each Board Member.
- b) A copy of the Agenda and supporting materials shall be made available to the Board Members within a reasonable time before the Board Meeting, but no later than 72 hours prior to the Board Meeting.

Secs. 2-217 – 2-225. Reserved.

Section 2. That **DIVISION 2 PLANNING AND ZONING COMMISSION** is hereby repealed as shown below.

~~DIVISION 2.— PLANNING AND ZONING COMMISSION[6]~~

Footnotes:

~~—(6)—~~

State Law reference—~~Authority to create a planning commission, NMSA 1978, § 3-19-1.~~

~~Sec. 2-226.—Creation.~~

~~There is hereby created a Planning and Zoning Commission consisting of five members to be appointed by the Governing Body, whose terms shall be for two years, except that three of the first appointees shall serve for two years and two for one year. There after all terms of the Planning and Zoning Commission members shall be for two years, so that there will be overlapping tenures of office. Each term shall expire on June 30, provided, however, that any member of the Board shall continue to hold his office until his successor is appointed and qualified.~~

~~(Code 1962, § 2-1-1; Ord. No. 456-97, § 1, 5-11-98)~~

~~Sec. 2-227.—Vacancies.~~

~~Vacancies in the office of Planning and Zoning Commission shall be filled by the City Commission. The City Commission shall have the authority to remove any member for cause, which cause shall be stated in writing and made a part of the hearing.~~

~~(Code 1962, § 2-1-2)~~

~~Sec. 2-228.—Oath; organization.~~

~~The Planning and Zoning Commission shall take and subscribe to an oath of office within ten days after the notice of appointment. It shall elect a Chairman from among its members for a term of one year with eligibility for reelection and may fill such other offices as it may create, in the manner provided by the rules of the Planning and Zoning Commission.~~

~~(Code 1962, § 2-1-3)~~

Sec. 2-229. — Meetings.

~~The Planning and Zoning Commission shall hold at least one regular meeting each month and shall adopt rules for the meetings and for the transaction of business. It shall keep a record of the resolutions, transactions, findings, and determinations, which shall be kept at City Hall and shall be a public record.~~

~~(Code 1962, § 2-1-4)~~

Sec. 2-230. — Expenditures; duties.

~~The Planning and Zoning Commission shall serve without compensation. It shall incur no expenditure of money without previous authorization of the City Commission. It shall take over the duties of the Zoning Board, which is hereby abolished, and it shall perform all the activities and duties required by state law.~~

~~(Code 1962, § 2-1-5)~~

Sec. 2-231. — Reserved.

~~Editor's note — Section 1 of Ord. No. 657, adopted Aug. 14, 2014, repealed § 2-231, which pertained to term limits, and derived from Ord. No. 643, § 1, adopted Oct. 22, 2013.~~

Secs. 2-232 — 2-245. — Reserved.

That a new **DIVISION 2** of the Code of Ordinances of the City of Truth or Consequences be added so that such section shall read as follows:

DIVISION 2. COMMUNITY DEVELOPMENT BOARD

Sec. 2-226. BOARD – CREATED MEMBERS; JURISDICTION.

There is hereby created a Community Development Board consisting of 7 members, specifically as follows:

- a. 1 Member with Utility background
- b. 1 Member with Airport background
- c. 1 Member with Development/Real Estate background
- d. 1 Member with Contractor background
- e. 1 Member with Tourism or Financial background
- f. 2 at large Members

If such qualified persons are not available or willing to serve, then the City Commission shall appoint other competent persons to serve.

This Board shall have jurisdiction to consider matters pertaining to 1) the City's Planning and Zoning Code, 2) the City's Municipal Utility Systems, 3) the City's Municipal Airport and 4) to make recommendations pertaining to the state of New Mexico Impact Fee Station requirements.

Sec. 2-227. POWERS AND DUTIES; PLANNING AND ZONING.

~~The Board shall have the power and duties to administer the City's Planning and Zoning Code and to follow the provisions of the Rules of Procedure for the City of Truth or Consequences, Planning and Zoning Commission. The Board shall have the power to consider the matters brought before it pursuant to the provisions of the City's Planning and Zoning Code.~~

The Board shall have the power and duties to administer and comply with the City's "Subdivision Code" (Chapter 15 of this code) and the City's "Comprehensive Planning and Zoning Code" (Chapter 16 of this code). As the City's Planning and Zoning Commission is being repealed, all references to said commission in either code shall be interpreted as being applied to this Community Development Board. This Board shall have the power and duties to consider the matters brought before it pursuant to the City's Subdivision Code or Comprehensive Planning and Zoning Code. This Board shall also follow the provisions of the Rules of Procedure for the City of Truth or Consequences Planning and Zoning Commission.

Sec. 2-228. POWERS AND DUTIES; MUNICIPAL UTILITY SYSTEM.

- (a) The Board may recommend general rules and policies of the municipal utility systems. The Board shall recommend rates and charges for electric power and energy, water or sewer utility service, or garbage collection service furnished by the City and shall recommend conditions of service applicable to the furnishing of such utilities.
- (b) The Board may recommend line extension policies to be followed by the municipal electric utility system and extension policies for municipal water and sewer utility services.
- (c) The Board may prepare and recommend an annual budget for the utility systems of the City conforming to the requirements of the ordinances of the City authorizing the issuance of electric, water, and sewer revenue bonds.
- (d) The Board may review from time to time all the rates and charges for electric, water, sewer, and garbage services furnished by the City and may submit the results of such review to the City Commission.
- (e) The Board may recommend to the City Commission any major extensions and improvements, not otherwise provided for by the City Commission, required to be made to or in connection with the utility systems, and not otherwise provided for in the annual budget. The Board shall include in such recommendations any engineering studies and other data obtained or prepared in connection with such proposed extensions and improvements.
- (f) The Board may endeavor to establish a comprehensive plan establishing the requirements of the City's utilities systems over the next ten-year period.

- (g) The Board may establish a procedure for setting rates for the utilities of the City which will guarantee a return sufficient to maintain the utility systems, expand them to meet growing needs, improve them to function in a modern manner, and guarantee a reasonable return on the City's investment therein.
- (h) The Board is authorized to use the facilities of the City offices and shall have access to all records pertaining to the utilities of the City; provided, however, the Board shall not be authorized or empowered to expend any funds of the City or create any indebtedness on behalf of the City without the prior approval of the Commission.
- (i) The Board shall meet regularly at least once each month on a regular date to be designated by the Board; provided, however, that a special meeting may be called at any time by written request to the Chairman of the Board by three members or on call by the Chairman of the Board with the written consent of all members of the Board. All meetings whether regular or special shall be open to the public as provided by the laws of the state. ~~Three~~ **Five** members shall constitute a quorum, and no action can be had in the absence of a quorum present.
- (j) A vacancy shall be deemed to exist upon the resignation of any member of the Board, by ~~his~~ **their** death or inability to act, or by removal of any member by ~~four-fifths~~ **a majority** vote of the City Commission. Any member who fails to attend three consecutive, regular meetings of the Board, without excuse, shall be deemed to have resigned ~~his~~ **their** office.
- ~~(k) The members of the Board shall serve without compensation.~~
- ~~(h)~~ **(k)** The Board shall appoint one of its members as Assistant Chairman and a Secretary to act as such at the pleasure of the Board. The Board shall adopt rules and regulations governing its proceedings.
- ~~(m)~~ **(l)** The Board shall prepare reports of its activities and submit these reports and any recommendations for consideration by the Commission at least bimonthly at the second Commission meeting in the reporting month.
- ~~(n)~~ **(m)** The Commission may furnish such administrative and clerical assistance to the Board as is reasonably necessary to accomplish its function.

(Code 1962, § 2-8-4)

Sec. 2-229. POWERS AND DUTIES; MUNICIPAL AIRPORT.

- (a) The Board may make reasonable rules and regulations for the utilization and care of the Airport facilities. Such rules, when adopted, shall not become effective until approved by the Commission.
- (b) The Board shall make recommendations to the City Commission through the City Manager concerning the maintenance and supervision of the Airport facilities as well as expenditures to be made in connection with such facilities. Such recommendations shall be made through the City Manager who shall then promptly refer the same to the City Commission.
- (c) The Board shall keep records and accounts of all its activities and make reports to the City Manager or to the Commission upon request.

(Code 1962, § 2-12-2; Ord. No. 490, § 1, 3-26-01)

Sec. 2-230. IMPACT FEE DUTIES.

~~Sec. 4-421. Impact fee board and comments.~~

~~(a) The Impact Fee Board shall consist of the Public Utility Advisory Board established by the city and two additional members.~~

~~(b) No less than 40 percent of the membership of the Impact Fee Board shall be representative of the real estate, development of building industries.~~

(a) The Impact Fee Board shall file its written comments on the proposed capital improvements plan and development impact fees before the fifth business day before the date of the public hearing on the plan and fees.

(b) The Board or its successor shall file its written comments on any proposed amendment to the land use assumptions, capital improvements plan, or impact fees before the fifth business day before the date of the public hearing on the amendments.

(Ord. No. 563, 11-14-06; Ord. No. 679 , § 1, 4-25-17)

Editor's note— Ord. No. 679 , § 1, adopted April 25, 2017, changed the title of § 4-421 from "Advisory board comments" to read as herein set out.

Secs. 2-231 - 2-245. Reserved.

Section 3. DIVISION 3 shall remain in full force and effect.

DIVISION 3. LIBRARY BOARD

Sec. 2-246. Created.

There is hereby created the Library Board as an advisory board of the City.

(Code 1962, § 2-6-1; Ord. No. 421, § 1, 12-12-94)

Sec. 2-247. Appointment.

The Library Board, referred to in this division as the Board, shall consist of five members, to be appointed by the City Commission. Each member shall be appointed for a period of three years. The original members appointed will serve staggered terms, and thereafter the terms of the members of the Board shall run for three years. The Chair of the Board will be elected by the appointed five members. Each term shall expire on June 30, provided, however, that any member of the Board shall continue to hold his office until his successor is appointed and qualified.

(Ord. No. 421, § 2, 12-12-94; Ord. No. 456-97, § 1, 5-11-98)

Sec. 2-248. Powers and duties.

- (a) The Board shall make recommendations to the City Commission concerning general rules and policies of the public library. Such recommendations shall be made through the City Manager who shall then refer the same promptly to the City Commission.
- (b) The Board shall, in conjunction with the Library Director, prepare and recommend an annual budget for the public library.
- (c) The Board shall endeavor to establish a comprehensive long-term plan establishing with the requirements of the public library over a ten-year period, with revisions as appropriate. The plan shall be submitted to the City Commission for inclusion in the City's long-term planning efforts.
- (d) The Board shall not be authorized or empowered to expend any funds of the City or create any indebtedness on behalf of the City without the prior approval of the City Commission.
- (e) The Board shall hold meetings at least quarterly provided, however; that a special meeting may be called at any time by written request to the Chair of the Board by three members and personally served to the Library Director or on call by the Chair of the Board with the written consent of all members of the Board. All meetings whether regular or special shall be open to the public as provided by the laws of the state and subject to the requirements of the Open Meetings Resolution of the City. Three members shall constitute a quorum, and no action can be taken in the absence of a quorum present.
- (f) A vacancy shall be deemed to exist upon the resignation of any member of the Board, by death or inability to act, or by removal of any member by a simple majority of the City Commission. Any member who fails to attend three consecutive, regular meetings of the Board, without excuse, shall be deemed to have resigned.
- (g) The members of the Board shall serve without compensation.
- (h) The Board may delegate the preparation of reports of its activities to the Library Director who shall submit said reports and any recommendations for consideration by the Commission to the City Manager monthly.

(Ord. No. 421, § 3, 12-12-94; Ord. No. 487, § 1, 3-12-01; Ord. No. 722 , § 1, 11-17-21)

Sec. 2-249. Return of borrowed materials to Public Library.

- (a) It shall be unlawful for any person to detain, or fail to return to the Public Library, any book, magazine, newspaper, audio or video record, microform, equipment, or any other Library property in the custody of or belonging to the Public Library, or borrowed from any other Library through interlibrary loan services, after the date on which such person should have returned the property in accordance with the rules of such Library.
- (b) It shall be unlawful to give a fictitious or incorrect name or address at the Public Library in order to obtain possession or use of any property in the custody of or belonging to the Public Library.
- (c) It shall be unlawful for any person to cut, write upon, injure, deface, tear, damage, or destroy any book, magazine, newspaper, audio or video record, microform, equipment, or other

property in the custody of or belonging to the Public Library without the consent of the Library.

- (d) It shall be unlawful for any person to remove any book, magazine, newspaper, audio or video record, microform, equipment, or other property in the custody of or belonging to the Public Library without the consent of the Library.
- (e) It shall be unlawful for any person to pay for any Library fines, fees, or services with a check drawn on a closed account or one with insufficient funds. Persons so doing shall be liable for any and all collection fees incurred by the Library.
- (f) A parent or guardian shall be responsible for Library material borrowed by their children under 18 years of age.
- (g) The Librarian, or a duly authorized representative, shall promptly notify by mail any person who is believed to have violated the rules and regulations of the Library or of this division, setting forth the violation complained of, and enter the information upon a record for this purpose. The person responsible shall correct the violation or make appropriate restitution within 15 working days. Should such correction not be made on time, the Librarian shall send by certified mail a standard notice of violation specifying the violation and setting a final date for compliance, which shall be more than 15 working days thereafter. A monthly report shall be filed with the Municipal Court Clerk of the violations and notices.
- (h) Any person convicted of violating any of the provisions of this section shall be punished in accordance with section 1-10.

(Code 1962, § 2-6-8; Ord. No. 421, § 4, 12-12-94)

Sec. 2-250. Reserved.

Secs. 2-251—2-270. Reserved.

Section 4. That **DIVISION 4 PUBLIC UTILITY ADVISORY BOARD** is hereby repealed as shown below.

~~DIVISION 4. PUBLIC UTILITY ADVISORY BOARD[8]~~

Footnotes:

~~—(8)—~~

~~Cross-reference—Utilities, ch. 14.~~

~~Sec. 2-271. Definitions.~~

~~The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~Public utilities means the electrical utility, the water utility, and the sewer and garbage facilities furnished by the City.~~

(Code 1962, § 2-8-3)

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 2-272.—Established.—

~~There is hereby established a Public Utility Advisory Board, referred to in this division as the Board, consisting of five members. In addition to the five members, the City Manager shall be an ex-officio member. The Chairman of the Board will be elected by the appointed five members.~~

(Code 1962, § 2-8-1)

Sec. 2-273.—Appointment.—

~~The members of the Board with the exception of the City Manager shall be appointed by the City Commission. The original members shall serve staggered terms and thereafter there shall be appointed by the City Commission members of the Board who shall serve for a two-year term. The terms of the members of the Board shall expire on June 30; provided, however, that any member of the Board shall continue to hold his office until his successor is appointed and qualified. The City Commission shall appoint at least one person with an electrical utility background, one person with a financial background, and a general contractor as members of the Board. If such qualified persons are not available or willing to serve, then the Commission shall appoint other competent persons to serve.~~

(Code 1962, § 2-8-2)

Sec. 2-274.—Powers and duties.—

~~(a) The Board may recommend general rules and policies of the municipal utility systems. The Board shall recommend rates and charges for electric power and energy, water or sewer utility service, or garbage collection service furnished by the City and shall recommend conditions of service applicable to the furnishing of such utilities.~~

~~(b) The Board may recommend line extension policies to be followed by the municipal electric utility system and extension policies for municipal water and sewer utility services.~~

~~(c) The Board may prepare and recommend an annual budget for the utility systems of the City conforming to the requirements of the ordinances of the City authorizing the issuance of electric, water, and sewer revenue bonds.~~

~~(d) The Board may review from time to time all the rates and charges for electric, water, sewer, and garbage services furnished by the City and may submit the results of such review to the City Commission.~~

~~(e) The Board may recommend to the City Commission any major extensions and improvements, not otherwise provided for by the City Commission, required to be made to or in connection with the utility systems, and not otherwise provided for in the annual budget. The Board shall include in such recommendations any engineering studies and other data obtained or prepared in connection with such proposed extensions and improvements.~~

~~(f) The Board may endeavor to establish a comprehensive plan establishing the requirements of the City's utilities systems over the next ten-year period.~~

~~(g) The Board may establish a procedure for setting rates for the utilities of the City which will guarantee a return sufficient to maintain the utility systems, expand them to meet growing~~

needs, improve them to function in a modern manner, and guarantee a reasonable return on the City's investment therein.

~~(h) The Board is authorized to use the facilities of the City offices and shall have access to all records pertaining to the utilities of the City; provided, however, the Board shall not be authorized or empowered to expend any funds of the City or create any indebtedness on behalf of the City without the prior approval of the Commission.~~

~~(i) The Board shall meet regularly at least once each month on a regular date to be designated by the Board; provided, however, that a special meeting may be called at any time by written request to the Chairman of the Board by three members or on call by the Chairman of the Board with the written consent of all members of the Board. All meetings whether regular or special shall be open to the public as provided by the laws of the state. Three members shall constitute a quorum, and no action can be had in the absence of a quorum present.~~

~~(j) A vacancy shall be deemed to exist upon the resignation of any member of the Board, by his death or inability to act, or by removal of any member by four fifths vote of the City Commission. Any member who fails to attend three consecutive, regular meetings of the Board, without excuse, shall be deemed to have resigned his office.~~

~~(k) The members of the Board shall serve without compensation.~~

~~(l) The Board shall appoint one of its members as Assistant Chairman and a Secretary to act as such at the pleasure of the Board. The Board shall adopt rules and regulations governing its proceedings.~~

~~(m) The Board shall prepare reports of its activities and submit these reports and any recommendations for consideration by the Commission at least bimonthly at the second Commission meeting in the reporting month.~~

~~(n) The Commission may furnish such administrative and clerical assistance to the Board as is reasonably necessary to accomplish its function.~~

~~(Code 1962, § 2-8-4)~~

Sec. 2-275. -- Reserved. ---

Editor's note—Section 1 of Ord. No. 657, adopted Aug. 14, 2014, repealed § 2-275, which pertained to term limits, and derived from Ord. No. 643, § 1, adopted Oct. 22, 2013.

Secs. 2-276—2-290. -- Reserved.

That the **RECREATION AND GOLF ADVISORY BOARD** shall be re-classified as **DIVISION 4** and the Sections are re-numbered as follows:

DIVISION 4. RECREATION AND GOLF ADVISORY BOARD[10]

Footnotes:

--- (10) ---

Editor's note— Ord. No. 743 , § 1, adopted Feb. 8, 2023, changed the title of div. 8.5 from "Recreation Advisory Board" to read as herein set out.

See 2-356. Sec. 2-271. - BOARD CREATED; MEMBERS.

There is hereby created a Recreation and Golf Advisory Board consisting of eight members, three non-voting members shall include the City Community Services Director, the City Parks Manager, and the Golf Course Superintendent. The other five members of the Board shall be appointed by the City Commission and shall be voting members. These five Commission appointed members shall serve staggered two-year terms. The terms of the members of the Board (with the exception of the City Community Services Director, the City Park Manger, and the Golf Course Superintendent) shall expire on June 30; provided, however, that any member of the Board shall continue to hold his/her office until their successor is appointed and qualified. Members of the Board shall make recommendations to the City Manager and the Commission for City supported recreation, golf and disc golf opportunities and matters concerning City recreation, golf course and disc golf facilities.

(Ord. No. 474, § 1, 7-10-00; Ord. No. 743 , § 1, 2-8-23)

~~Sec. 2-357.~~ Sec. 2-272 - POWERS AND DUTIES.

- (a) The Board shall make recommendations to the City Commission concerning the facilities and recreation, golf and disc golf programs within its jurisdiction including budget and rates to be charged in connection with such facilities and programs. Such recommendations shall be made through the City Manager who shall then refer the same promptly to the City Commission.
- (b) The Board shall keep records and accounts of all its activities and make reports to the City Manager or to the Commission upon request.

(Ord. No. 474, § 2, 7-10-00; Ord. No. 488, § 1, 3-12-01; Ord. No. 743 , § 1, 2-8-23)

~~Sec. 2-358.~~ Sec. 2-273 - MEETINGS.

In the performance of its duties and in the exercise of the powers set forth in this division, the Board shall hold meetings at least quarterly or at such other times as may be deemed necessary, at such time and place as may be specified in the notice for such meetings which may be called by the Chairman of the Board, the City Manager, or by a majority of the Commission. A quorum requires at least three of the five voting members of the Board to be present. In order for a vote to be valid on a particular issue, a quorum must actually vote regarding the measure. For purposes of clarification, a member who abstains or recuses himself from voting is not deemed to have voted on that particular issue.

(Ord. No. 474, § 3, 7-10-00)

~~Sec. 2-359.~~ Sec. 2-274 - VACANCIES; ELECTION OF OFFICERS.

Members of the Board may be removed by a majority vote of the total membership of the Commission. Vacancies on the Board shall be filled by the Commission. The Board shall elect a Chairman, Vice-Chairman, and Secretary.

(Ord. No. 474, § 4, 7-10-00)

Sec. 2-360. Sec. 2-275 - 2-290. Reserved.

Section 5. That **DIVISION 5 AIRPORT ADVISORY BOARD** is hereby repealed as shown below.

DIVISION 5.—AIRPORT ADVISORY BOARD

Sec. 2-291.— Board created; members.—

~~There is hereby created a Municipal Airport Advisory Board consisting of five members. The members of the Board shall be appointed by the City Commission. The original members shall serve staggered terms and thereafter there shall be appointed by the City Commission members of the Board who shall each serve two-year terms. The terms of the members of the Board shall expire on June 30; provided, however, that any member of the Board shall continue to hold his office until his successor is appointed and qualified. Members of the Board shall make recommendations to the City Manager and the Commission for the operation of the Municipal Airport.~~

~~(Code 1962, § 2-12-1; Ord. No. 456-97, § 4, 5-11-98)~~

Sec. 2-292.— Powers and duties.—

~~(a)The Board may make reasonable rules and regulations for the utilization and care of the Airport facilities. Such rules, when adopted, shall not become effective until approved by the Commission.~~

~~(b)The Board shall make recommendations to the City Commission through the City Manager concerning the maintenance and supervision of the Airport facilities as well as expenditures to be made in connection with such facilities. Such recommendations shall be made through the City Manager who shall then promptly refer the same to the City Commission.~~

~~(c)The Board shall keep records and accounts of all its activities and make reports to the City Manager or to the Commission upon request.~~

~~(Code 1962, § 2-12-2; Ord. No. 490, § 1, 3-26-01)~~

Sec. 2-293.— Meetings.

~~In the performance of its duties and in the exercise of the powers set forth in this division, the Board shall hold meetings at least quarterly or at such other times as may be deemed necessary, at such time and place as may be specified in the notice for such meetings which may be called by the Chairman of the Board, the City Manager, or by a majority of the Commission.~~

~~(Code 1962, § 2-12-3)~~

Sec. 2-294.— Vacancies; election of officers.

~~Members of the Board may be removed by a majority vote of the total membership of the Commission. Vacancies on the Board shall be filled by the Commission. The Board shall elect a Chairman, Vice-Chairman, and Secretary.~~

~~(Code 1962, § 2-12-4)~~

~~Sec. 2-295. -- Reserved.~~

~~Editor's note—Section 1 of Ord. No. 657, adopted Aug. 14, 2014, repealed § 2-295, which pertained to term limits, and derived from Ord. No. 643, § 1, adopted Oct. 22, 2013.~~

~~Secs. 2-296—2-310. -- Reserved.~~

That the **LODGER'S TAX ADVISORY BOARD** shall be re-classified as **DIVISION 5** and the Sections are re-numbered as follows:

DIVISION 5. LODGER'S TAX ADVISORY BOARD[11]

Footnotes:

~~--- (11) ---~~

~~Editor's note— The lodger's tax advisory board adopted by the 1962 Code, § 5-14-13 and amended by Ord. No. 383, adopted on June 24, 1991 has been included in this Code at the direction of the city and included within this chapter as Art. IV, Div. 9, § 2-361 et seq. Subsequently, Ord. No. 444, § 1, adopted March 10, 1997, amended § 7-211, however, said provisions have been redesignated as §§ 2-361—2-364, at the editor's discretion.~~

~~Sec. 2-361. Sec. 2-291 - BOARD CREATED; MEMBERS.~~

~~There is hereby created a Lodger's Tax Advisory Board consisting of five members, two of whom shall be owners or operators of lodgings subject to the occupancy tax within the municipality, two of whom shall be owners or operators of industries located in the municipality that primarily provide services or products to tourists and one member who shall be a resident of the municipality and represents the general public.~~

~~(Code 1962, § 5-14-13; Ord. No. 383, 6-24-91; Ord. No. 444, § 1, 3-10-97)~~

~~Sec. 2-362. Sec. 2-292 - APPOINTMENT; VACANCY; TERM.~~

~~Members shall be appointed and vacancies filled by appointment of the City Commission and shall serve at the pleasure of the City Commission. The terms shall be as follows: One member representing the lodging industry and one member representing the tourist industry shall each serve an initial term of three years. Thereafter, members appointed to serve in these positions shall serve for a period of four years. The second member representing the lodging industry and the second member representing the tourist industry shall each serve an initial term of four years. Thereafter, the member appointed to serve in these positions shall serve for a period of four years. The member at large representing the general public shall serve an initial term of one year. Thereafter, the member appointed to serve in this position shall serve for a period of four years.~~

(Code 1962, § 5-14-13; Ord. No. 383, 6-24-91; Ord. No. 444, § 1, 3-10-97)

~~Sec. 2-362.1.~~ Sec. 2-293 - RESERVED.

Editor's note— Section 1 of Ord. No. 657, adopted Aug. 14, 2014, repealed § 2-362.1, which pertained to term limits, and derived from Ord. No. 643, § 1, adopted Oct. 22, 2013.

~~Sec. 2-363.~~ Sec. 2-294 - DUTIES.

The Board shall advise the Governing Body on expenditure of Lodger's Tax Funds for advertising, publicizing and promoting tourist attractions and facilities in the municipality.

(Code 1962, § 5-14-13; Ord. No. 383, 6-24-91; Ord. No. 444, § 1, 3-10-97)

~~Sec. 2-364.~~ Sec. 2-295 - MEETINGS.

The Board shall meet at least quarterly and shall adopt rules for the meetings and transaction of business and shall keep a record of the business conducted, which shall be kept at City Hall and which shall be a public record.

(Code 1962, § 5-14-13; Ord. No. 383, 6-24-91; Ord. No. 444, § 1, 3-10-97)

~~Secs. 2-296 - 2-310. - Reserved.~~

Section 6. That the **PUBLIC ARTS BOARD** shall be re-classified as **DIVISION 6** and the Sections are re-numbered as follows:

DIVISION 6. PUBLIC ARTS BOARD

~~Sec. 2-369.~~ Sec. 2-311 - BOARD CREATED; MEMBERS.

There is hereby created a Public Arts Board consisting of five members. One of the members will be a City Government representative, one of the members will be a Tourism Advisory Board representative, one of the members will be a representative from the local business community, one of the members will be a representative from the local artist community, and one of the members will be a representative from the Sierra County Arts Council Board. All appointments to the Public Arts Board will be made by the Governing Body via public advertising and recommendations from the Tourism Advisory Board. The Chamber of Commerce, and the Sierra County Art Council.

(Ord. No. 579, 2-12-08)

~~Sec. 2-369.1.~~ 2-312 - POWERS AND DUTIES.

- (a) The Board will adopt reasonable By-Laws to be approved by the City Commission.(b)
- (b) The Board will make recommendations to the City Commission through the Board Chairperson concerning the location, and type of public art work that will be erected in the City of Truth or Consequences.

- (c) The Board will investigate available sites for public art.
- (d) The Board will advertise county-wide for design submissions and will judge said submissions and make recommendations to the City Commission regarding these submissions.
- (e) The Board will advocate and search for additional funding for the purchase, reproduction and installation of public artwork.
- (f) The Board will make recommendations on future ordinances related to public art.
- (g) The Board will keep records and accounts of all its activities and make reports to the City Manager or to the City Commission upon request.

(Ord. No. 579, 2-12-08)

~~Sec. 2-369.2. Sec. 2-313 - MEETINGS AND VOTING.~~

Regular Meetings will be scheduled as needed. Special Meetings may be called by any Member of the Board with notice given to each Member at least 24 hours in advance of the meeting. Special Meetings may be scheduled only for dealing with vital, timely decisions which must be made in the best interest of the Community.

At least three Members of the Board must be present at any meeting to constitute a quorum.

Only Members of the Board may vote on issues pertaining to items directed by the Board. No proxy votes will be allowed.

(Ord. No. 579, 2-12-08)

~~Sec. 2-369.3. Sec. 2-314 – 2-330. - RESERVED.~~

Editor's note— Section 1 of Ord. No. 657, adopted Aug. 14, 2014, repealed § 2-369.3, which pertained to term limits, and derived from Ord. No. 643, § 1, adopted Oct. 22, 2013.

Section 7. That **DIVISION 7 CONVENTION AND ENTERTAINMENT BOARD** is hereby repealed as shown below.

~~DIVISION 7.—CONVENTION AND ENTERTAINMENT BOARD~~

~~Sec. 2-331.—Board created; members.—~~

~~There is hereby created a Convention and Entertainment Board for the City consisting of five members who shall serve a term of three years. On the initial Board, two members will be appointed for one year; two members will be appointed for two years; and one member will be appointed for three years. Vacancies on the Board shall be filled in the same manner as the original appointments are made. The members of the Board shall be appointed by the City Commission; shall have jurisdiction over the Convention Center, Recreation Center, and Civic/Activities Center for the purpose of recommending to the Commission programs to be carried on and carried out at~~

~~these and other places or installations as may be specifically designated from time to time by the Commission. Each term shall expire on June 30, provided, however, that any member of the Board shall continue to hold his office until his successor is appointed and qualified.~~

- ~~(1) — The Board shall recommend reasonable rules and regulations for the use and care of the facilities under its jurisdiction. Such rules, when adopted, shall not become effective until approved by the Commission.~~
- ~~(2) — The Board shall make recommendations to the Commission concerning the maintenance, supervision, and management of the facilities under its jurisdiction as well as concerning expenditures to be made in connection with such facilities. Further, the Board shall make recommendation concerning policies, on usage, fees, and all aspects of the operation of facilities to ensure that they remain attractive, are utilized by the broadest possible numbers of people of all ages, and provide the maximum possible overall economic benefit to the area through meetings, conventions, and various forms of entertainment and recreation.~~
- ~~(3) — The Board shall annually, upon the request of the City Manager, prepare and submit a requested budget for convention and entertainment activities which will be carried on at the facilities under the Board's jurisdiction.~~
- ~~(4) — The Board shall keep records and accounts of all activities of the Board and make reports to the City Manager or to the Commission whenever requested.~~

~~(Code 1962, § 2-14-1; Ord. No. 456-97, § 1, 5-11-98)~~

~~Sec. 2-332. — Employment of personnel. —~~

~~The Board shall make recommendations to the City Manager concerning employment of personnel to conduct and direct the activities in and the use of the facilities under its jurisdiction.~~

~~(Code 1962, § 2-14-2)~~

~~Sec. 2-333. — Meetings.~~

~~In the performance of its duties and in the exercise of the powers set forth in this division, the Board shall hold at least one regular meeting each month in the Commission chambers of the City Hall or at the Civic and Activities Center. Meetings, with the time and place of the meeting specified, may be called by the Chairman of the Board or by majority of the Commission.~~

~~(Code 1962, § 2-14-3)~~

~~Sec. 2-334. — Removal of members; vacancies. —~~

~~Members of the Board may be removed by a majority vote of the total members of the Commission. Vacancies on the Board shall be filled by the Commission.~~

(Code 1962, § 2-14-4)

Sec. 2-335. -- Organization and officers. —

~~The Board shall elect a Chairman, Vice-Chairman, and Secretary. The Commission shall furnish such administrative and clerical assistance to the Board as is reasonably necessary to carry out its functions.~~

(Code 1962, § 2-14-5)

Sec. 2-336. -- Reserved. —

Editor's note — Section 1 of Ord. No. 657, adopted Aug. 14, 2014, repealed § 2-336, which pertained to term limits, and derived from Ord. No. 643, § 1, adopted Oct. 22, 2013.

Secs. 2-337 — 2-350. -- Reserved.

DIVISION 7. - RESERVED

Secs. 2-331 – 2-350 - RESERVED.

Section 8. That **DIVISION 8 PERSONNEL BOARD** is hereby repealed as shown below.

DIVISION 8. PERSONNEL BOARD

Sec. 2-351. Creation.

~~There is hereby created a Personnel Board.~~

(Ord. No. 379, 3-25-91)

Sec. 2-352. Composition; appointment of members; terms of members.

~~The Personnel Board shall be composed of five regular members and two alternate members to be selected as follows:~~

- ~~(1) Three regular members are to be appointed by the Mayor with the consent of the Commission. These initial Mayor-appointed members shall be appointed for periods of one, two and three years respectively; thereafter, members appointed to serve in these positions shall serve for a period of five years. One alternate member also is to be appointed by the Mayor with the consent of the City Commission. The alternate member shall serve for a term of five years and shall attend Board meetings in the event of an emergency absence of a regular Board member who had been appointed pursuant to this section. Each term shall expire on June 30, provided, however, that any member of the Board shall continue to hold his office until his successor is appointed and qualified.~~
- ~~(2) The remaining two regular members and one alternate member shall be chosen by the employees covered by this division and shall consist of one employee below the level of supervisor and one employee at the supervisor level or higher, to exclude the Chief of~~

~~Police, to serve initial terms of four and five years respectively. After the completion of these initial terms, the newly elected employee and department head shall serve terms of five years each. These selected members shall serve only so long as they remain employees of the City and occupy positions in accordance with the provisions of their appointment. One alternate member also is to be appointed by the employees covered by this division. The alternate member shall serve for a term of five years and attend Personnel Board meetings in the event of an emergency absence of a regular Board member who had been appointed pursuant to this section.~~

~~(Ord. No. 379, 3-25-91; Ord. No. 456-97, § 1, 5-11-98)~~

~~Sec. 2-353. Filling vacancies.~~

~~Vacancies on the Personnel Board shall be filled by the appointing or selecting authority in the same manner as the original member in such position was appointed or selected to serve and such appointee or selectee shall serve either for the remainder of the term of the position vacated or for five years if the appointment or selection of the new member corresponds with the expiration of a previous term.~~

~~(Ord. No. 379, 3-25-91)~~

~~Sec. 2-354. Removal of members.~~

~~Any member of the Personnel Board may be removed by a majority vote of the Commission for cause after a public hearing and may be suspended immediately by the Mayor for cause pending such hearing.~~

~~(Ord. No. 379, 3-25-91)~~

~~Sec. 2-355. Selection of officers; quorum.~~

- ~~(a) The Personnel Board shall annually select a Chairman by majority vote of the full Personnel Board, such Chairman to be selected from the Mayor appointees to the Board.~~
- ~~(b) The Personnel Board shall annually select a Vice-Chairman by majority vote of the full board, such Vice-Chairman to be selected from the Mayor appointees to the board.~~
- ~~(c) A majority, being three members of the board, shall constitute a quorum of the Personnel Board.~~

~~(Ord. No. 379, 3-25-91)~~

~~Sec. 2-355.1. Reserved.~~

DIVISION 8. - RESERVED

Secs. 2-351 – 2-355.1. - RESERVED.

Section 9. That **DIVISION 8.5 RECREATION AND GOLF ADVISORY BOARD** is hereby repealed as shown below.

DIVISION 8.5. RECREATION AND GOLF ADVISORY BOARD

~~Sec. 2-356. Board created; members.~~

~~There is hereby created a Recreation and Golf Advisory Board consisting of eight members, three non-voting members shall include the City Community Services Director, the City Parks Manager, and the Golf Course Superintendent. The other five members of the Board shall be appointed by the City Commission and shall be voting members. These five Commission appointed members shall serve staggered two-year terms. The terms of the members of the Board (with the exception of the City Community Services Director, the City Park Manger, and the Golf Course Superintendent) shall expire on June 30; provided, however, that any member of the Board shall continue to hold his/her office until their successor is appointed and qualified. Members of the Board shall make recommendations to the City Manager and the Commission for City supported recreation, golf and disc golf opportunities and matters concerning City recreation, golf course and disc golf facilities.~~

~~(Ord. No. 474, § 1, 7-10-00; Ord. No. 743, § 1, 2-8-23)~~

~~Sec. 2-357. Powers and duties.~~

- ~~(a) The Board shall make recommendations to the City Commission concerning the facilities and recreation, golf and disc-golf programs within its jurisdiction including budget and rates to be charged in connection with such facilities and programs. Such recommendations shall be made through the City Manager who shall then refer the same promptly to the City Commission.~~
- ~~(b) The Board shall keep records and accounts of all its activities and make reports to the City Manager or to the Commission upon request.~~

~~(Ord. No. 474, § 2, 7-10-00; Ord. No. 488, § 1, 3-12-01; Ord. No. 743, § 1, 2-8-23)~~

~~Sec. 2-358. Meetings.~~

~~In the performance of its duties and in the exercise of the powers set forth in this division, the Board shall hold meetings at least quarterly or at such other times as may be deemed necessary, at such time and place as may be specified in the notice for such meetings which may be called by the Chairman of the Board, the City Manager, or by a majority of the Commission. A quorum requires at least three of the five voting members of the Board to be present. In order for a vote to be valid on a particular issue, a quorum must actually vote regarding the measure. For purposes of clarification, a member who abstains or recuses himself from voting is not deemed to have voted on that particular issue.~~

~~(Ord. No. 474, § 3, 7-10-00)~~

~~Sec. 2-359. Vacancies; election of officers.~~

~~Members of the Board may be removed by a majority vote of the total membership of the Commission. Vacancies on the Board shall be filled by the Commission. The Board shall elect a Chairman, Vice Chairman, and Secretary.~~

~~(Ord. No. 474, § 4, 7-10-00)~~

~~Sec. 2-360. Reserved.~~

DIVISION 8.5 - RESERVED

~~Secs. 2-356 – 2-360. - RESERVED.~~

Section 10. That **DIVISION 9 LODGER'S TAX ADVISORY BOARD** is hereby repealed as shown below.

~~DIVISION 9. LODGER'S TAX ADVISORY BOARD~~

~~Sec. 2-361. Board created; members.~~

~~There is hereby created a Lodger's Tax Advisory Board consisting of five members, two of whom shall be owners or operators of lodgings subject to the occupancy tax within the municipality, two of whom shall be owners or operators of industries located in the municipality that primarily provide services or products to tourists and one member who shall be a resident of the municipality and represents the general public.~~

~~(Code 1962, § 5-14-13; Ord. No. 383, 6-24-91; Ord. No. 444, § 1, 3-10-97)~~

~~Sec. 2-362. Appointment; vacancy; term.~~

~~Members shall be appointed and vacancies filled by appointment of the City Commission and shall serve at the pleasure of the City Commission. The terms shall be as follows: One member representing the lodging industry and one member representing the tourist industry shall each serve an initial term of three years. Thereafter, members appointed to serve in these positions shall serve for a period of four years. The second member representing the lodging industry and the second member representing the tourist industry shall each serve an initial term of four years. Thereafter, the member appointed to serve in these positions shall serve for a period of four years. The member at large representing the general public shall serve an initial term of one year. Thereafter, the member appointed to serve in this position shall serve for a period of four years.~~

~~(Code 1962, § 5-14-13; Ord. No. 383, 6-24-91; Ord. No. 444, § 1, 3-10-97)~~

~~Sec. 2-362.1. Reserved.~~

~~Sec. 2-363. Duties.~~

~~The Board shall advise the Governing Body on expenditure of Lodger's Tax Funds for advertising, publicizing and promoting tourist attractions and facilities in the municipality.~~

(Code 1962, § 5-14-13; Ord. No. 383, 6-24-91; Ord. No. 444, § 1, 3-10-97)

Sec. 2-364. Meetings.

~~The Board shall meet at least quarterly and shall adopt rules for the meetings and transaction of business and shall keep a record of the business conducted, which shall be kept at City Hall and which shall be a public record.~~

~~(Code 1962, § 5-14-13; Ord. No. 383, 6-24-91; Ord. No. 444, § 1, 3-10-97)~~

DIVISION 9 - RESERVED

Secs. 2-361 – 2-364. - RESERVED.

DIVISION 10 - RESERVED

Secs. 2-365 – 2-368. - RESERVED.

Section 11. That **DIVISION 11 PUBLIC ARTS BOARD** is hereby repealed as shown below.

DIVISION 11. PUBLIC ARTS BOARD

Sec. 2-369. Board created; members.

~~There is hereby created a Public Arts Board consisting of five members. One of the members will be a City Government representative, one of the members will be a Tourism Advisory Board representative, one of the members will be a representative from the local business community, one of the members will be a representative from the local artist community, and one of the members will be a representative from the Sierra County Arts Council Board. All appointments to the Public Arts Board will be made by the Governing Body via public advertising and recommendations from the Tourism Advisory Board, The Chamber of Commerce, and the Sierra County Art Council.~~

~~(Ord. No. 579, 2-12-08)~~

Sec. 2-369.1. Powers and duties.

- ~~(a) The Board will adopt reasonable By Laws to be approved by the City Commission.~~
- ~~(b) The Board will make recommendations to the City Commission through the Board Chairperson concerning the location, and type of public art work that will be erected in the City of Truth or Consequences.~~
- ~~(c) The Board will investigate available sites for public art.~~

- ~~(d) The Board will advertise county wide for design submissions and will judge said submissions and make recommendations to the City Commission regarding these submissions.~~
 - ~~(e) The Board will advocate and search for additional funding for the purchase, reproduction and installation of public artwork.~~
 - ~~(f) The Board will make recommendations on future ordinances related to public art.~~
 - ~~(g) The Board will keep records and accounts of all its activities and make reports to the City Manager or to the City Commission upon request.~~
- ~~(Ord. No. 579, 2-12-08)~~

~~Sec. 2-369.2. Meetings and voting.~~

~~Regular Meetings will be scheduled as needed. Special Meetings may be called by any Member of the Board with notice given to each Member at least 24 hours in advance of the meeting. Special Meetings may be scheduled only for dealing with vital, timely decisions which must be made in the best interest of the Community.~~

~~At least three Members of the Board must be present at any meeting to constitute a quorum.~~

~~Only Members of the Board may vote on issues pertaining to items directed by the Board. No proxy votes will be allowed.~~

~~(Ord. No. 579, 2-12-08)~~

~~Sec. 2-369.3. Reserved.~~

DIVISION 11 - RESERVED

~~Secs. 2-369 – 2-369.3. - RESERVED.~~

Section 12. That **DIVISION 12 VETERANS MEMORIAL PARK ADVISORY BOARD** is hereby repealed as shown below.

~~DIVISION 12. VETERANS MEMORIAL PARK ADVISORY BOARD~~

~~Sec. 2-370. Board created; members.~~

~~There is hereby created a Veterans Memorial Park Advisory Board consisting of seven members. One of the members will be a representative from VFW 3317 in Williamsburg, one of the members will be a representative from VFW 1389 in Elephant Butte, one of the members will be a representative from American Legion Post 44 in Elephant Butte, one of the members will be a representative from American Legion Riders Chapter 5, American Legion Post 44 in Elephant Butte, one of the members will be a representative from the New Mexico Veterans Home one of the members will be a representative from the City of Truth or Consequences and one of the members will be a representative of the City of Truth or Consequences Citizen at large. All appointments to the Veterans Memorial Park Advisory Board will be made by the Governing Body via public advertising and recommendations from the different Veterans Organizations named~~

herein. The Governing Body may also appoint non-voting Ex-Officio members as may be recommended by the Board.

(Ord. No. 580, 3-25-08)

~~Sec. 2-370.1. Powers and duties.~~

- ~~(a) The Board will adopt reasonable By-Laws to be approved by the City Commission.~~
- ~~(b) The Board will make recommendations to the City Commission through the Board Chairperson concerning the operation, budget, maintenance, capital improvements and events for the Veterans Memorial Park.~~
- ~~(c) The Board will investigate available grants and other funding.~~
- ~~(d) The Board will make recommendations on future ordinances related to the Veterans Memorial Park and other Veteran-related issues.~~
- ~~(e) The Board will oversee the expenditure of the approved budget for the Veterans Memorial Park.~~
- ~~(f) It is intended that the powers of the Board be broad in nature and that not all Board business need be approved by the City Commission except on issues related to expenditure of funds.~~
- ~~(g) The Board will keep records and accounts of all its activities and make reports to the City Manager or to the City Commission upon request.~~

(Ord. No. 580, 3-25-08)

~~Sec. 2-370.2. Meetings and voting.~~

~~Regular Meetings will be scheduled as needed. Special Meetings may be called by any Member of the Board with notice given to each Member at least 24 hours in advance of the meeting. Special Meetings may be scheduled only for dealing with vital, timely decisions which must be made in the best interest of the Community.~~

~~At least four Members of the Board must be present at any meeting to constitute a quorum.~~

~~Only Members of the Board may vote on issues pertaining to items directed by the Board. No proxy votes will be allowed.~~

(Ord. No. 580, 3-25-08)

~~Sec. 2-370.3. Reserved.~~

DIVISION 12 - RESERVED

Secs. 2-370 – 2-370.3. - RESERVED.

Section 13. This Ordinance shall take effect on the ____ day of _____, 2024

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2024.

CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO

BY: _____
ROLF HECHLER – Mayor

ATTEST:

ANGELA A. TORRES, CMC, City Clerk-Treasurer