

**NOTICE OF INTENT  
TO ADOPT AN ORDINANCE AMENDING CHAPTER 2, ARTICLE VI (BOARDS AND COMMISSIONS); CHAPTER 12, ARTICLE II, DIVISION 2 (CEMETERY BOARD); CHAPTER 16, ARTICLE II, DIVISION 2 (INCENTIVE REVIEW COMMITTEE); CHAPTER 26, ARTICLE II, (LIBRARY BOARD); CHAPTER 30, ARTICLE II (MUSEUM BOARD); CHAPTER 36, ARTICLE III (PARKS AND RECREATION BOARD); CHAPTER 36, ARTICLE IV (GOLF COURSE BOARD), OF THE TOWN OF SILVER CITY MUNICIPAL CODE, RELATING TO ADVISORY BOARDS, COMMITTEES AND COMMISSIONS OF THE TOWN OF SILVER CITY**

**The Council of the Town of Silver City, Grant County, New Mexico hereby gives notice of its intention to adopt a proposed amendment to the Town of Silver City Code of Ordinances. This notice is given the title as follows:**

**ORDINANCE NO. 1268**

**AN ORDINANCE AMENDING CHAPTER 2, ARTICLE VI (BOARDS AND COMMISSIONS); CHAPTER 12, ARTICLE II, DIVISION 2 (CEMETERY BOARD); CHAPTER 16, ARTICLE II, DIVISION 2 (INCENTIVE REVIEW COMMITTEE); CHAPTER 26, ARTICLE II, (LIBRARY BOARD); CHAPTER 30, ARTICLE II (MUSEUM BOARD); CHAPTER 36, ARTICLE III (PARKS AND RECREATION BOARD); CHAPTER 36, ARTICLE IV (GOLF COURSE BOARD), OF THE TOWN OF SILVER CITY MUNICIPAL CODE, RELATING TO ADVISORY BOARDS, COMMITTEES AND COMMISSIONS OF THE TOWN OF SILVER CITY**

**Sponsored by: Councilor Lynda Aiman-Smith**

**WHEREAS**, the Town of Silver City Municipal Code has provisions for the establishment of various advisory boards, committees and commissions whose duties include providing public input of advice and making recommendations through the Town Manager to the Town Council; and

**WHEREAS**, in furtherance of the Town Council's desire to provide for the increased efficiency, convenience, and an improved clarification of duties, the Town Council finds that the following amendments to the Town's Municipal Code are necessary and appropriate; and

**WHEREAS**, the Town Council of the Town of Silver City finds that the amendments to the Town's Municipal Code as made herein are likely to increase effective and satisfying public

participation in the named boards, committees and commissions; and

**WHEREAS**, the Town Council finds that the proposed amendments herein are necessary for the health, safety and welfare of the Town and its inhabitants, and will promote better and more efficient governing;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF SILVER CITY, GRANT COUNTY, NEW MEXICO**, that:

**Chapter 2, Article VI. (BOARDS AND COMMISSIONS)** and the sections thereunder are deleted in their entirety.

**Chapter 12, Section 12-42** is modified by deleting the phrase in the second sentence which reads “The Cemetery Board shall meet at least monthly...” and replacing it with the phrase “The Cemetery Board shall meet at least quarterly and at other times at the call of the chairperson...”

**Chapter 12, Section 12-43** is deleted in its entirety and replaced with:

**Sec. 12-43. Removal and vacancy.**

The Cemetery Board is a working board and absences are discouraged. After three unexcused absences, a board member will be presumed to have resigned and the chairperson will consult with the Mayor regarding a replacement who shall serve out the term of the resigning member.

**Chapter 16, Division 2, Section 16-43** is deleted in its entirety and replaced with:

**Section 16-43. Appointments by Mayor.**

The Incentive Review Committee is not a standing committee, but will be constituted as needed. The members thereof shall be appointed by the Mayor with the advice and consent of the Council.

**Chapter 16, Division 2, Section 16-44** is deleted in its entirety and replaced with:

**Sec. 16-44. Terms of office.**

Appointments to the Incentive Review Committee shall be made upon the submission of an application for public assistance for an economic development project and shall continue for the duration of the matter presented to it for its consideration and action. Upon completion of the particular matter under consideration, the Incentive Review Committee members shall be discharged upon written notification from the Town Manager. There shall be no limitation upon the number of appointments for which an individual may serve.

**Chapter 16, Division 2, Section 16-45** is deleted in its entirety and replaced with:

**Sec. 16-45. Election of officers; public records.**

The Incentive Review Committee shall elect a chairperson and vice chairperson who shall serve for the duration of the matter under consideration. The Incentive Review Committee shall also designate a secretary who shall keep notes of the meetings of the committee, which shall be public records.

**Chapter 16, Division 2, Section 16-46** is deleted in its entirety and replaced with:

**Section 16-46. Meetings; removal; quorum.**

For the duration of its tenure, the Incentive Review Committee shall hold at least one regular meeting each calendar month, and more frequently at the call of the chairperson once a project participation agreement has been submitted for consideration. The Incentive Review Committee shall adopt rules of procedure for the transaction of its business and keep a record of its resolutions, transactions, findings and determinations. The Incentive Review Committee is a working committee and absences are discouraged. After three unexcused absences, a Committee member will be presumed to have resigned and the chairperson will consult with the Mayor regarding a replacement to serve out the balance of the resigning member's term. Three members

will constitute a quorum.

**Chapter 26, Article II, Section 26-21** is hereby deleted and replaced with the following:

**Sec. 26-21. Composition.**

The municipal Library Board shall be composed of five members who shall be residents of the Town and who shall be appointed by the Mayor with the advice and consent of the Council. Additionally, the Mayor shall appoint one town councilor as a non-voting member ex-officio and the Library Foundation shall appoint one member as a non-voting ex-officio member to the Library Board.

**Chapter 26, Article II, Section 26-23.** is modified by replacing the word “county” in the first sentence with the word “town”. The remainder of the sentence and paragraph remain unchanged.

**Chapter 26, Article II, Section 26-25.** is deleted and replaced with the following:

**Sec. 26-25. Meetings and removal.**

The municipal Library Board shall meet at least quarterly and upon call of the chairperson at an hour determined by the board. The Library Board is a working board and absences are discouraged. After three unexcused absences, a board member will be presumed to have resigned and the chairperson will consult with the Mayor regarding a replacement to serve out the balance of the resigning member’s term. Public notice of meetings shall be in compliance with the New Mexico Open Meetings Act, and its records shall be considered public records under the New Mexico Inspection of Public Records Act. The board shall adopt rules of procedure, but no by-laws or other substantive rules shall be permitted.

**Chapter 26, Article II, Section 26-27.** is deleted and replaced with the following;

**Sec. 26-27. Duties.**

The municipal Library Board shall be available to advise the Town Manager in the

operations and policies of the public library located in the town and in consultation with the Library Director, recommend rules, regulations and policies to the Town Manager pertaining to the efficient operation of the library.

**Chapter 26, Article II, Section 26-28.** is modified as follows:

Delete the second sentence of the paragraph, beginning with the phrase “All actions and authorizations....”.

**Chapter 30, Article II, Sec. 30-21** is deleted in its entirety and replaced with:

**Sec. 30-21. Duties.**

The Museum Board shall be available to advise the Town Manager in the operations and policies of the Silver City Museum, and in consultation with the Museum Director, recommend rules, regulations and policies to the Town Manager pertaining to the efficient operation of the museum.

**Chapter 30, Article II, Sec. 30-22** is deleted in its entirety and replaced with:

**Sec. 30-22. Composition; terms**

The Silver City Museum Board shall be composed of five members, who shall be residents of the Town and shall be appointed by the Mayor with the Council’s advice and consent. In addition to the five members so appointed, the Mayor shall designate and appoint one member of the Town Council as a non-voting ex- officio member of the board, and there shall be one representative of the Museum Society Board who shall also be a non-voting ex-officio member thereof. A quorum of the board shall be three voting members. Terms of office for Museum Board members shall be two years.

**Chapter 30, Article II, Sec. 30-23** is modified as follows:

In the first sentence of this provision, replace the word “county” with the word “town”.

**Chapter 30, Article II, Sec. 30-24 is deleted in its entirety and replaced with:**

**Sec. 30-24 Election of officers.**

The Museum Board shall annually elect a chairperson, vice chairperson and secretary.

**Chapter 30, Article II, Sec. 30-25 is deleted in its entirety. (Note to Code Editor: the following amended section will then need to be renumbered as the new Sec. 25.**

**Chapter 30, Article II, Sec. 30-26 is deleted in its entirety and replaced with:**

**Sec. 30-26. Meetings.**

The Museum Board shall meet at least quarterly and upon call of the chairperson at an hour determined by the Museum Board. The Museum Board is a working board and absences are discouraged. After three unexcused absences, a board member will be presumed to have resigned and the chairperson will consult with the Mayor regarding a replacement to serve out the balance of the resigning member's term. Public notice of meetings shall be in compliance with the New Mexico Open Meetings Act, and its records shall be considered public records under the New Mexico Inspection of Public Records Act. The board shall adopt rules of procedure, but no by-laws or other substantive rules shall be permitted.

**Chapter 36, Article III. (PARKS AND RECREATION BOARD)** and all the sections thereunder are deleted in their entirety.

**Chapter 36, Article IV. GOLF COURSE BOARD.** and all the sections thereunder are deleted in their entirety.

**PASSED, ADOPTED AND APPROVED** by vote of the Council of the Town of Silver City, Grant County, New Mexico, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

(Seal)

TOWN OF SILVER CITY

\_\_\_\_\_  
Ken Ladner, Mayor

ATTEST:

\_\_\_\_\_  
Ann Mackie, Town Clerk

Consideration of the final adoption of such proposed ordinance will not take place until at least two (2) weeks subsequent to the date of this notice and only at a public meeting called and held in accordance with Section 3-17-3, N.M.S.A. 1978. Consideration of adoption of said ordinance is currently scheduled for and will not take place prior to \_\_\_\_\_, 2018.

\_\_\_\_\_  
Ann L. Mackie, Town Clerk

\_\_\_\_\_  
Date