



CITY OF LAS VEGAS

1700 N. GRAND AVE. • LAS VEGAS, NEW MEXICO 87701-4731 • 505-454-1401 • FAX: 505-425-7335

ALFONSO E. ORTIZ, JR.
Mayor

**CITY OF LAS VEGAS
SPECIAL CITY COUNCIL MEETING AGENDA
January 31, 2012 –Tuesday– 4:00 p.m.
City Council Chambers
1700 N. Grand Ave**

(The City Council shall act as the Housing Authority Board of Commissioners on any matters on the Agenda concerning the Housing Department.)

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE OF ALLEGIANCE
- IV. MOMENT OF SILENCE
- V. APPROVAL OF AGENDA
- VI. PUBLIC INPUT (not to exceed 5 minutes per person)
- VII. BUSINESS ITEMS

1. Discussion on City Charter Declaratory Judgment.

Dave Romero, City Attorney After much investigation and consultation, Councilman Feldman requested in writing that the new Charter be challenged. Councilman Feldman would be the Plaintiff in the matter.

VIII. EXECUTIVE SESSION/CLOSED SESSION

THE COUNCIL MAY CONVENE INTO EXECUTIVE SESSION IF SUBJECT MATTER OF ISSUES ARE EXEMPT FROM THE OPEN MEETINGS REQUIREMENT UNDER § (H) OF THE OPEN MEETINGS ACT.

- A. Personnel matters, as permitted by Section 10-15-1 (H) (2) of the New Mexico Open Meetings Act, NMSA 1978.

TONITA GURULE-GIRON
Councilor, Ward 1

DIANE MOORE
Councilor, Ward 2

ANDREW H. FELDMAN
Councilor, Ward 3

DAVID L. ROMERO
Councilor, Ward 4

B. Matters subject to the attorney client privilege pertaining to threatened or pending litigation in which the City of Las Vegas is or may become a participant, as permitted by Section 10-15-1 (H) (7) of the New Mexico Open Meetings Act, NMSA 1978.

C. Matters pertaining to the discussion of the sale and acquisition of real property, as permitted by Section 10-15-1 (H) (8) of the Open Meetings Act, NMSA 1978.

IX. ADJOURN

ATTENTION PERSONS WITH DISABILITES: The meeting room and facilities are accessible to persons with mobility disabilities. If you plan to attend the meeting and will need an auxiliary aid or service, please contact the City Clerk's Office prior to the meeting so that arrangements may be made.

ATTENTION PERSONS ATTENDING COUNCIL MEETING: By entering the City Chambers, you consent to photography, audio recording, video recording and its/their use for inclusion on the City of Las Vegas Web-site, and to be televised on Comcast.

NOTE: A final agenda will be posted 24 hours prior to the meeting. Copies of the Agenda may be obtained from City Hall, Office of the City Clerk, 1700 N. Grand Avenue, Las Vegas, N.M 87701

CITY COUNCIL AGENDA REQUEST

DATE: 01/27/2012

DEPT: City Attorney

MEETING DATE: 01/31/2012

ITEM/TOPIC: Discussion on City Charter Declaratory Judgment

ACTION REQUESTED: None

BACKGROUND/RATIONALE: After much investigation and consultation, Councilman Feldman requested in writing that the new Charter be challenged. Councilman Feldman would be the Plaintiff in the matter.

The rationale for the Declaratory Judgment is to provide stability of government in that the City must know whether the new Charter is legal. All Governing Body decisions are based on the language of the new constitution and there is a substantial argument that the Charter was amended and therefore required at least 60% passage. In this case, supporters of the Charter argue that it was repealed and therefore only needed a majority vote. The Charter was passed by a 56% majority.

In addition, efficiency requires that fundamental matters of governance be addressed before the upcoming election so that the City may react to candidate challenges.

STAFF RECCOMENDATION: Staff makes no recommendation since the matter is for discussion only.

COMMITTEE RECOMMENDATION:

THIS REQUEST FORM MUST BE SUBMITTED TO THE CITY MANAGER'S OFFICE NO LATER THAN 10:00AM ON Friday ONE AND A HALF WEEKS PRIOR TO THE CITY COUNCIL MEETING.

DAVE ROMERO
SUBMITTER'S SIGNATURE

REVIEWED AND APPROVED BY:

Alfonso E. Ortiz, Jr.
ALFONSO E. ORTIZ, JR
MAYOR

PAMELA MARRUJO
INTERIM FINANCE DIRECTOR

Timothy P. Dodge
TIMOTHY P. DODGE
CITY MANAGER

DAVE ROMERO
DAVE ROMERO
CITY ATTORNEY

PURCHASING AGENT
(FOR BID AWARD ONLY)